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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/981,231

10/17/2001

Steve Anderson Platt

PLA13 P-300

5580

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02/05/2007

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EXAMINER

WAKS, JOSEPH

ART UNIT

PAPER NUMBER

2834

MAIL DATE

DELIVERY MODE

02/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Supplemental  
Notice of Allowability**

Application No.

09/981,231

Examiner

Joseph Waks

Applicant(s)

PLATT, STEVE ANDERSON

Art Unit

2834

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Board Decision of Sep 18, 2006.
2. ☒ The allowed claim(s) is/are 1-17,20-23,29-37,44-70 and 72-77.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. The examiner's amendment issued on December 6, 2006 contained an erroneous cancellation of claims 24 and 42. The following is to correct the error.
2. In view of the Board of Patent Appeals decision of May 19, 2006 the application has been amended as follows:

Claims 9, 10, 15-17, 44, 45, 50-56, 72 and 74 are allowed.

Cancel claims 18-28, 71 and 39-43.

Add the following new claims

Claim 75. (New) A wind powered electrical generation system comprising:

a tower including a vertical elevator, the vertical elevator having a track and a carriage configured to move along the track; and

a wind powered generator configured to be connected to the carriage, the wind powered generator including a plurality of airfoils and an electric generator;

wherein the wind powered generator can be removably placed within the carriage after the tower has been erected and lifted vertically with the carriage to position the wind powered generator at a top of the tower; and

wherein the wind powered generator can be removed from within the carriage after the carriage has been lowered; and

wherein the carriage includes a pivot ring configured to accept the wind powered generator therein; and

the pivot ring includes a plurality of roller bearings configured to accept a portion of the wind powered generator thereon, thereby allowing the wind powered generator to rotate.

Claim 76. (New) A wind powered electrical generation system comprising:

a tower including a vertical elevator, the vertical elevator having a track and a carriage configured to move along the track; and

a wind powered generator configured to be connected to the carriage, the wind powered generator including a plurality of airfoils and an electric generator;

wherein the wind powered generator can be removably placed within the carriage after the tower has been erected and lifted vertically with the carriage to position the wind powered generator at a top of the tower; and

wherein the wind powered generator can be removed from within the carriage after the carriage has been lowered; and

wherein: the carriage includes a plurality of contacts configured to contact a rotating portion of the wind powered generator to allow power to be transferred from the wind powered generator to a remote point.

77. (New) A wind powered generator comprising:

a housing;

a rod configured to rotate within the housing;

at least six spars connected to the rod and extending radially therefrom;

an airfoil connected to each of the spars at a location distal the rod; and

a generator located upwind of the spars and interconnected to the rod;

Art Unit: 2834

wherein the spars and the rod will rotate as wind passes the airfoils, thereby powering the generator; and

a vertical leg connected to the housing;

wherein the housing is connected to an end of the vertical leg at a position off center from an axis of the vertical leg.

3. The following is the examiner's reason for allowance:

Regarding claims 9, 10, 15-17, 44, 45, 50-56, 72 and 74, the examiner's rejection was not sustained by the Board.

Regarding claim 75, examiner rewrote claim 24 as independent claim to include the limitations of the independent claim 18.

Regarding claim 76, examiner rewrote claim 25 as independent claim to include the limitations of the independent claim 18.

Regarding claim 77, examiner rewrote claim 42 as independent claim to include the limitations of the independent claim 39.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (571) 272-2037. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone

Art Unit: 2834

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joseph Waks  
Primary Examiner  
Art Unit 2834

02/01/07